

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare - East Godavari District - Revision Petition filed under section 6 of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959, by Sri. Dadisetty Surya Rao S/o Somulu R./o Ravi Lanka (V) Devipatnam (M), against the orders of the Additional Agent to Government Rampachodavaram in CMA No:12/04 dt:29-10-2005 - Dismissed - Orders - Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O. MS No:227.

Dated:24-11-2008.

Read the following:-

1. From Sri. S.R.Sanku, counsel for the petitioner in Revision Petition, dt:16-01-2006.
2. Government Memo No:1308/LTR2/2006 dt:03-03-2006.
3. From Hon'ble High Court of Andhra Pradesh in W.P. No:7728/2006 dt:14-01-2007.
4. From Project Officer, ITDA, Rampachodavaram, East Godavari Lr. RC No:T8/W.P No:7728/2006 in CMA No:12 of 2004 dt:03-06-2006.
5. Government Memo No:1308/LTR2/2006 dt:21-08-2007.

ORDER:

In the reference first read above Sri. Dadisetty Surya Rao has filed a Revision Petition along with stay petition before the Government against the orders of the Agent to Government, Rampachodavaram in CMA No:12/2004 dt:29-10-2005, in respect of Acres 6.55 cents, situated at Sy.No:80 Ravilanka (V) of Devipatnam (M), East Godavari District. The main grounds of the appellant Sri. Dadisetty Surya Rao in the Revision Petition among others are as here under:-

- i) The Government authorities cannot take away the lands which were reclaimed and made cultivable by the petitioner.
- ii) Neither the petitioners purchased the lands from the tribals nor the tribals transferred the lands to the petitioners.
- iii) Land is situated at Ravilanka Village of Devipatnam Mandal in Sy.No.80 and that Acres 6.55 cents are under the Zamindari Estate of Pithapuram and that during the Estate, the Estate Authorities maintained the Amarakam Account instead of Adangals, which shows the enjoyment of the Revision Petitioner's father Somulu.
- iv) The Scheduled land has been continuing from the fore-fathers of the Revision Petition before the Promulgation of 1917 Act.
- v) The document dated 30-10-1956 shows the name of the Revision Petitioner's father in the boundaries.
- vi) The Pattedar Pass Books have been issued in the name of the Revision Petitioner and No:3 Adangal Extract is also there in respect of Fasli 1412.

2. The brief history of the case is that the Special Deputy Tahasildar (TW), Devipatnam (M), on verification of the records available along with Mandal Surveyor of Devipatnam (M) has reported to the Special Deputy Collector (TW), Rampachodavaram that S.No.80 of the Ravilanka (V) of Devipatnam (M) is classified as unassessed waste Government Land and is under encroachment of Non-tribal "Dadisetty Surya Rao S/o Somulu and that the Mandal Revenue Officer of Devipatnam (M) confirmed the same and hence filed case against the non-tribal encroacher on the Government land. The Special Deputy Collector (TW), Rampachodavaram after following the procedure ordered in proceedings No.LTRP.300/2 dt:17-9-2003 for ejection of Non-Tribal from P.S land and for restoration of the same to Government for onward distribution to eligible tribals. Aggrieved by the orders of Special Deputy Collector (TW), Sri Dadisetty Surya Rao had filed an appeal before the Additional Agent to Government. The Additional Agent to Government after giving reasonable opportunity held that there is no

dispute to the fact that the P.S land in Sy.No.80 Acres 6.55 is a Government land, that the Appellant (Sri Dadisetty Surya Rao) has not produced any proof of title over the land and it has been an encroachment, and that the Government land in agency area cannot be assigned to any Non-Tribal after 1970 and as such the principle of resjudicata does not operate for the reason that the tribal could not produce sufficient evidence, and it does not preclude a subsequent enquiry as observed by the Hon'ble High Court of Andhra Pradesh, in W.P. No:9215/2004 between Masarapu Devudu and one another Vs the Additional Agent to Government, Rampachodavaram and others. The Additional Agent to Government concluded that the Appellant (Sri Dadisetty Surya Rao) being a Non-Tribal encroached the P.S. land in Sy.No:80, Acres 6.55 which is a Government land without any rightful ownership and title which is not tenable and violative under section 3 (1) (a) of regulation 1/59 as amended by 1/70 and dismissed the appeal and upheld the orders of the Lower Court in LTRP No:300/2002, dt:17-09-2003 of the Special Deputy Collector (TW), Rampachodavaram and ordered to restore the P.S. land in Sy.No:80, Acres 6.55 cents situated in M.Ravilanka Village of Devipatnam (M) to Government for onward assignment to eligible tribal beneficiaries in CMA No:12/2004 dt:29-10-2005.

3 The Hon'ble High Court of Andhra Pradesh in its order dated:4-1-2007 while disposing of the W.P No:7728/2006, directed the Government to dispose off the Revision Petition filed by Sri Dadisetty Surya Rao.

4. In the reference 2nd read above, the Agent to Government Rampachodavaram was requested to furnish Para-wise remarks and case records and the same were received in the reference 4th read above. After examination of the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 31.8.2007. Petitioner was absent and the counsel for the petitioner was present and argued corroborating grounds of the Revision Petition.

5. Government after careful examination of the material evidence on record found that:

- i) According to the revenue records, Sy.No.80 of Ravilanka (V) of Devipatnam (M) is classified as unassessed waste govt land and is under encroachment of non-tribal Dadisetty Surya Rao S/o Somulu. Despite many opportunities, the petitioner failed to adduce any documentary evidence in support of his rightful ownership on the PS land.
- ii) The scheduled land is never be the Zamindari Estate of Pitapuram and no evidence was submitted.
- iii) The illegal occupation of the Government land in the Scheduled Areas by the non-tribal is objectionable as per the Revenue Board Standing Orders and also the Andhra Pradesh Land Encroachment Act, 1905, as that the petitioner's occupational right is prima-facie is illegal and cannot be ratified at any time. The illegal occupation itself is a notice under the law. Moreover, the G.O.Ms.No:971, Revenue (B) Deptt., dt:07-10-1969 prohibits all assignments of Government lands in agency area in favour of Non-Tribals.
- iv) As it is clearly held that the non-tribal is in illegal possession of Government land in the Scheduled Village, there is no point to keep the case pending any further.
- v) No evidence of possession by tribal Annika Ramana is also available.

6. Government after careful examination of the case records hereby uphold the order of the Additional Agent to Government, Rampachodavaram in CMA No:12/2004 dt:29-10-2005 and dismiss the Revision Petition accordingly. The stay granted by the Hon'ble High Court of Andhra Pradesh in W.P No:7728/2006 will become inoperative.

7. The Collector, East Godavari District /Additional Agent to Government Rampachodavaram is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,

Prl. Secretary to Government.

To

The Collector, East Godavari District.

(With RPAD of the following Records)

1. CMA pages 1-348.

2. ALTRP pages 1-23.

The Addl. Agent to Government, Rampachodavaram, East Godavari.

The Special Deputy Collector (TW), East Godavari District.

The Special Deputy Tahasildar (TW), East Godavari District.

The Mandal Revenue Officer (TW), East Godavari District.

Sri.Dadisetty Surya Rao S/o Somulu

R/o Ravilanka (V) Devipatnam (M), East Godavari District,

Sri. Anika Ramana S/o Lakshmaiah,

R/o Ravilanka (V) Devipatnam (M), East Godavari District,

Sri. S.R. Sanku (Advocate),

Plot No:3, HUDA Complex Park, Saroor Nagar, Hyderabad.

The P.S. to M (TW&RAID).

SF/SC

// FORWARDED BY ORDER //

SECTION OFFICER